

**Resolution
Of
The Board of Directors
Of
Beech Mountain Lakes Association
In
Drums, Pennsylvania**

RS017: Establishing a Community Curfew

Under the Declaration of Protective Covenants, Exceptions, Reservations and Conditions for Beech Mountain Lakes in Drums, Pennsylvania, the Board of Directors is charged with certain responsibilities regarding protection of the safety and well-being of residents and guests of Beech Mountain Lakes, as well as with the care, maintenance, service, and preservation of the Common Areas.

Therefore the Board of Directors of the Beech Mountain Lakes Association, County of Butler and Commonwealth of Pennsylvania has adopted the following resolution, to be effective August 1, 2010, concerning a **Curfew** in Beech Mountain Lakes.

Be it resolved and enacted by the Board of Directors:

CURFEW RESOLUTION

1. Definitions and Interpretation. As used in this Resolution, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR - person under the age of eighteen (18) years.

PARENT - any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Resolution, "parent" shall mean one or both parents.

PUBLIC PLACE - any public street, park, playground, public building, common ground, or vacant lot in the Beech Mountain Lakes Community.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

2. Purposes. This is a Curfew Resolution prescribing, in accordance with prevailing community standards, regulations

- (a) for the conduct of minors on streets at night, for the protection of younger Children in the Community from each other and from other persons in the in the community during nighttime hours.
- (b) for the enforcement of parental control and responsibility for their children.
- (c) for the protection of the public from nocturnal mischief by minors.
- (d) for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

3. Curfew and Exceptions. It shall be unlawful for any minor to be or remain in or upon any public roadway, park, common ground or other public place within the Beech Mountain Lakes Community, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Beech Mountain Lakes Community, during the following hours:

- On Sunday evenings through Thursday evenings, between the hours of 10:00 P. M. and 6:00 A.M. on the following day; and
- On Friday evenings through Saturday evenings, between the hours of 11 p.m. and 6:00 a.m. on the following day.

Exceptions to the above are the following:

- (c) A minor accompanied by parent, guardian or other person having legal care or custody of such minor;
- (b) A minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Resolution;
- (c) A minor lawfully employed the conditions of which make it necessary to be in or in highways, streets, parks, etc., as stated above and who possesses a current letter certifying the same and signed by employer, parent or guardian;
- (d) A minor on an emergency errand with appropriate documentation;
- (e) A minor traveling to and from church, school or municipal activity with a parental permission statement as in Subsection 3(B) above.

4. Parents not to Permit Violation. It shall be unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Resolution without legal justification therefore.

5. Procedure upon Violation: Any minor, BML resident or not, found upon the streets, or public places within the Beech Mountain Lakes Community in violation of Section 3 shall be required to comply with all directions given by the Beech Mountain Community Security/Enforcement Officer or legally deputized individual. **Failure to comply with these directions will elevate the violation to the third level and \$300 fine.** The Compliance Officer shall hand-deliver to the minor's parent(s), guardian, or person having the legal custody of the minor a copy of the Resolution and/or citation, and secure a signed and dated acknowledgement of their receipt of a copy of this Resolution and/or citation. In the case of a non-resident, the Resolution and/or citation will be sent via certified mail – return receipt requested. A report of the foregoing, along with the signed acknowledgment of receipt of the Resolution, shall be filed and kept in the Administration office for a period of one year from the date of the infraction. Upon subsequent violations by the minor of this curfew, the parent(s), guardian or person having the legal custody of the minor shall be issued a citation for violation of Section 4 of this Resolution. If the cited non-resident fails to pay for the violation, the resident who authorized the offender's entry will be deemed responsible to pay the fine.

6. Penalties. Any person who receives a citation for a violation of this Resolution shall be fined according to the following schedule:

First Offence (Level 1)----- Warning
Second Offence (Level 2)----- \$100
Subsequent Offences (Level 3)---- \$300

7. Right to appeal. The minor and their parent(s), guardian, or person having the legal custody of the minor has the right to appeal to the Board of Directors as indicated on the citation.

8. Security/Enforcement Officer Discretion in Age Determination. The Security/Enforcement Officers of the Beech Mountain Lakes Association shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

9. Severability. If any sentence, clause, section, or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution. It is hereby declared as the intent of the Board of Directors that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

10. Effective Date. This Resolution shall become effective on this 5th day of August, 2010.

BEECH MOUNTAIN LAKES ASSOCIATION

ATTEST: BOARD OF DIRECTORS

Jimm P. C. Pres BY: